

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND RICHARD WHITALL,

Plaintiff,

v.

DAVINA GUTIERREZ,

Defendant.

Case No. 20-cv-00910-CRB

**ORDER DENYING ENTRY OF  
PROPOSED JUDGMENT (DKT. 223)**

The parties have filed a [Joint Proposed] Judgment in which they apparently request the Court enter judgment in favor of Defendant Davina Gutierrez and against Plaintiff Raymond Richard Whitall. Dkt. 223. The Court cannot and will not enter this judgment.

The Federal Rules define “judgment” as “a decree [or] any order from which an appeal lies.” Fed. R. Civ. P. 54(a). Plaintiffs’ voluntary dismissal by stipulation of the action with prejudice is not a “decree.” Decree, Black’s Law Dictionary (12th ed. 2024) (“a judicial decision in a court of equity, admiralty, divorce, or probate”). Nor is it an appealable order. See Sperring v. LLR, Inc., 995 F.3d 680, 682 (9th Cir. 2021); accord State Treas. of State of Mich. v. Barry, 168 F.3d 8, 11 (11th Cir. 1999). Accordingly, Plaintiffs terminated this action when they voluntarily dismissed it pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). There is nothing, including entry of judgment, left for the Court to do. See Comm. Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 n.4 (9th Cir. 1999) (Rule 41(a)(1) voluntary dismissal is “self-executing” (citation omitted)).

**IT IS SO ORDERED.**

Dated: June 18, 2025



CHARLES R. BREYER  
United States District Judge